

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CURTIS WAHEED RASOOL,

Petitioner,

v.

ANTHONY HAYNES, Warden,

FCI-Forrest City

Respondent.¹

Case No. 2:13-CV-00138 JLH-JTK

ORDER

Petitioner, an inmate in the Federal Correctional Institution in Forrest City, Arkansas, has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. No. 1). He has neither paid the \$5.00 filing fee nor filed an application to proceed *in forma pauperis*.

If Petitioner wishes to proceed with this action, he must either (1) pay the \$5.00 filing fee in full² or (2) file a properly completed application to proceed *in forma pauperis*. Petitioner is hereby advised that the failure to timely and properly comply with this Order could result in the dismissal of this habeas action, without prejudice, pursuant to Local Rule 5.5(c)(2).³

¹ Petitioner named “United States” as the respondent, but the proper respondent is Petitioner’s custodian. *See Barnes v. United States*, 445 F.2d 260 (8th Cir. 1971); *Williams v. Mo. Dep’t of Corr.*, 463 F.2d 993 (8th Cir. 1972). Anthony Haynes is the warden of the Federal Correctional Institution in Forrest City, Arkansas. Although petitioner does not specifically identify his place of incarceration in his petition, he lists the Forrest City prison as his address. The Court has amended the caption to reflect the correct respondent.

² Any payment Petitioner sends to the Court must clearly indicate that it is for payment of the filing fee in “*Rasool v. Haynes*, 2:13-CV-00138 JLH-JTK.”

³ Petitioner is hereby notified of his responsibility to comply with the Local Rules of the Court, including Rule 5.5(c)(2), which states the following:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to

IT IS THEREFORE ORDERED THAT:

1. The Clerk of Court is to forward to Petitioner an application to proceed *in forma pauperis*.
2. Within thirty (30) days of the entry-date of this Order, Petitioner must either (1) pay the \$5.00 statutory filing fee in full or (2) file a properly completed application to proceed *in forma pauperis*.

SO ORDERED this 25th day of October, 2013.



United States Magistrate Judge

monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.